

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

EARLE E. AUSHERMAN, et al.	*
Plaintiffs	*
vs.	* CIVIL ACTION NO. MJG-01-438
BANK OF AMERICA CORPORATION, et al.	*
Defendants	*
* * * * *	* * * * *

MEMORANDUM AND ORDER

The Court has before it Defendant's Motion for Attorney's Fees and the materials submitted relating thereto. The Court finds that a hearing is unnecessary.

The Defendants have properly filed the instant motions seeking attorney's fees and have, quite properly, deferred presentation of the full memorandum in support pending resolution of the pending appellate proceedings. Rule 109.2(b) of the Rules of the United States District Court for the District of Maryland.

On the current state of the record, the Court concludes that Defendants should recover legal fees. Of course, until the appellate proceedings are resolved, the Court cannot make a final decision as to the award and cannot determine the amount to be awarded.

For the foregoing reasons:

1. Defendant's Motion for Attorney's Fees is GRANTED.
2. This action is without prejudice to reconsideration in light of the resolution of pending appellate proceedings.
3. Plaintiff may file a further Memorandum in Support of Motion for Attorney's Fees after resolution of pending appellate proceedings in conformity with Rule 109.2(b) of the Rules of the United States District Court for the District of Maryland.

SO ORDERED, on Monday, 11 August, 2003.

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Marvin J. Garbis  
United States District Judge